

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DOCKET NO.: 05-11323 MLW

CRYSTAL A. ATHERTON
and ROBERT W. ATHERTON
Plaintiffs,

v.

CITY OF BEVERLY, WILLIAM F.
SCANLON, JR., in his official and
individual capacity and JOHN DUNN,
in his official and individual capacity
Defendants.

JOINT STATUS REPORT

Now come the parties by their respective counsel who report to the Court as follows:

1. As set forth in the Scheduling Order of January 26, 2007, the parties have explored the possibility of full settlement of this litigation since the end of February.
2. In this regard, several letters and emails have been transmitted which set out the respective positions of the parties. The parties also engaged in a telephonic discussion to explore settlement of this matter.
3. As of this date, the parties remain relatively far apart between the Plaintiffs' demands and the Defendants' offers of settlement.
4. Though voluntary discussions and continued settlement efforts have not been fully exhausted, the parties to this action believe that the settlement conference scheduled for 4:00 p.m. on March 14, 2007, could serve to further narrow the distance between Plaintiffs' demands and the Defendants' offers of settlement.
5. As part of the issues remaining as stumbling blocks to a settlement, the Plaintiff has requested an adjustment to the creditable service time used to calculate Plaintiff's retirement since she lost over 3 years of employment which would have entitled her to a substantially higher retirement after 20

years of employment, but the Defendant says, in general, that the Retirement Board is an independent municipal entity not controlled by the City.

6. The Plaintiff says a substantial sum is owed to her, in any event, for unpaid sick leave, vacation, and personal days. The Defendant denies these sums are owed.

Plaintiffs,

CRYSTAL A. ATHERTON AND
ROBERT W. ATHERTON

by their attorney

Defendants

CITY OF BEVERLY, WILLIAM F. SCANLON
AND JOHN DUNN

by their attorney

/s/ Jordan L. Shapiro

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